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09/665,780	09/20/2000	Herman Chien	1999-0804	6102

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EXAMINER

NGUYEN, DUC MINH

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/665,780

Applicant(s)

CHIEN, HERMAN

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Ronen (5,745,556).

Consider claim 1. Ronen teaches a network (115, fig. 4) that utilizes a modem for processing calls made through the network, comprising a server (web server 301, fig. 4); a search module (processor 305) for searching a database (306) (col. 6, ln. 65 to col. 7, ln. 11); a billing aggregator module, a correlating module and a billing module (billing system 203 inherently performs the functions of a billing aggregator module, a correlating module and a billing module; col. 6, ln. 26 to col. 7, ln. 11).

Consider claims 2-4. Fig. 8-10, col. 6, ln. 44 to col. 7, ln. 11 read on the limitations of claims 2-4.

Consider claim 5. Ronen further teaches the network comprises a wireless network (col. 10, ln. 6-29).

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ronen (5,745,556) in view of Nolting et al (6,351,453).

Consider claim 6. Ronen teaches a network (115, fig. 4) that utilizes a modem for processing calls made through the network, comprising a server (web server 301, fig. 4); a search module (processor 305) for searching a database (306) (col. 6, ln. 65 to col. 7, ln. 11); a billing aggregator module, a correlating module and a billing module (billing system 203 inherently performs the functions of a billing aggregator module, a correlating module and a billing module; col. 6, ln. 26 to col. 7, ln. 11).

Ronen does not explicitly teach the user places a telephone call via a modem pool. However, Ronen clearly teaches in fig. 8-10, the user places telephone calls via modem. It is also noted that a CALL is defined as any connection-oriented information exchange between endpoints. The call can involve voice, data, image or video and can be packet-switched or circuit-switched. Also, see col. 2, ln. 37-57; col. 4, ln. 24-33; col. 6, ln. 26-48 for making a virtual or Internet call to ISP101 through the use of a PC (terminal 104).

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Nolting teaches a well-known method of accessing the Internet via modem pool (col. 2, ln. 35-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Nolting into the teachings of Ronen in order to provide multiple accessing capability, so that multiple users can access to the same ISP at the same time.

Consider claims 7-8. Ronen's Fig. 8-10, col. 6, ln. 44 to col. 7, ln. 11 read on the limitations of claims 2-4.

Consider claim 9. Ronen further teaches the network comprises a wireless network (col. 10, ln. 6-29).

Consider claims 10-12. Ronen teaches a network (115, fig. 4) that utilizes a modem for processing calls made through the network, comprising a server (web server 301, fig. 4); a search module (processor 305) for searching a database (306) (col. 6, ln. 65 to col. 7, ln. 11); a billing aggregator module, a correlating module and a billing module (billing system 203 inherently performs the functions of a billing aggregator module, a correlating module and a billing module; col. 6, ln. 26 to col. 7, ln. 11).

Ronen does not explicitly teach the user places a telephone call via a modem pool. However, Ronen clearly teaches in fig. 8-10, the user places telephone calls via modem. It is also noted that a CALL is defined as any connection-oriented information exchange between endpoints. The call can involve voice, data, image or video and can be packet-switched or

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circuit-switched. Also, see col. 2, ln. 37-57; col. 4, ln. 24-33; col. 6, ln. 26-48 for making a virtual or Internet call to ISP101 through the use of a PC (terminal 104).

Nolting teaches a well-known method of accessing the Internet via modem pool (col. 2, ln. 35-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Nolting into the teachings of Ronen in order to provide multiple accessing capability, so that multiple users can access to the same ISP at the same time.

Consider claim 13. Ronen further teaches the network comprises a wireless network (col. 10, ln. 6-29).

Consider claim 14. Ronen does not explicitly teach the user places a telephone call via a modem pool. However, Ronen clearly teaches in fig. 8-10, the user places telephone calls via modem. It is also noted that a CALL is defined as any connection-oriented information exchange between endpoints. The call can involve voice, data, image or video and can be packet-switched or circuit-switched. Also, see col. 2, ln. 37-57; col. 4, ln. 24-33; col. 6, ln. 26-48 for making a virtual or Internet call to ISP101 through the use of a PC (terminal 104).

Nolting teaches a well-known method of accessing the Internet via modem pool (col. 2, ln. 35-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Nolting into the teachings of Ronen in order to

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provide multiple accessing capability, so that multiple users can access to the same ISP at the same time.

Consider claims 15-16. Ronen teaches a network (115, fig. 4) that utilizes a modem for processing calls made through the network, comprising a server (web server 301, fig. 4); a search module (processor 305) for searching a database (306) (col. 6, ln. 65 to col. 7, ln. 11); a billing aggregator module, a correlating module and a billing module (billing system 203 inherently performs the functions of a billing aggregator module, a correlating module and a billing module; col. 6, ln. 26 to col. 7, ln. 11; fig. 8-10).

Ronen does not explicitly teach the user places a telephone call via a modem pool. However, Ronen clearly teaches in fig. 8-10, the user places telephone calls via modem. It is also noted that a CALL is defined as any connection-oriented information exchange between endpoints. The call can involve voice, data, image or video and can be packet-switched or circuit-switched. Also, see col. 2, ln. 37-57; col. 4, ln. 24-33; col. 6, ln. 26-48 for making a virtual or Internet call to ISP101 through the use of a PC (terminal 104).

Nolting teaches a well-known method of accessing the Internet via modem pool (col. 2, ln. 35-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Nolting into the teachings of Ronen in order to provide multiple accessing capability, so that multiple users can access to the same ISP at the same time.

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Consider claim 17. Ronen further teaches the network comprises a wireless network (col. 10, ln. 6-29).

Consider claim 18. The method as taught by Ronen in view of Nolting is inherently performed for each of multiple users of the network who would like to access an ISP via a modem pool.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 6-13 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments filed 11/12/02 have been fully considered but they are not persuasive.

Regarding the Ronen reference, applicant states "Ronen is unrelated to users placing telephone calls via modem in any situation, let alone to users accessing network-accessible modems to place calls and to billing users for placing such calls". In contrast to applicant's assertions, Ronen clearly teaches in fig. 8-10, users placing telephone calls via modem. It is also noted that a CALL is defined as any connection-oriented information exchange between endpoints. Can involve voice, data, image or video and can be packet-switched or circuit-switched. Also, see col. 2, ln. 37-57; col. 4, ln. 24-33; col. 6, ln. 26-48 for making a virtual or Internet call to ISP101.

### ***Conclusion***



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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (703) 308-7527.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Kuntz, can be reached on (703) 305-4708.

**Any response to this final action should be mailed to:**

**BOX AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

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**(703) 308-6306 or (703) 308-6296** (Group's Fax numbers)  
**(703) 746-7251** (Examiner's Fax number, only for proposed amendment)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

January 13, 2003

  
**DUC NGUYEN**  
**PRIMARY EXAMINER**